



10 JAN 2007

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In re Application of	:	
Britton et al.	:	
Application No.: 10/565,296	:	DECISION
PCT No.: PCT/US04/24308	:	
Int. Filing Date: 27 July 2004	:	ON
Priority Date: 28 July 2003	:	
Attorney Docket No.: PR60351USW	:	PETITION
For: Chemical Compounds	:	

This is in response to the petition to withdraw the holding of abandonment and the renewed petition under 37 CFR 1.47(a) filed on 07 September 2006.

DISCUSSION

Petition To Withdraw Holding Of Abandonment

On 14 August 2006, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with regard to the national stage in the United States "Per decision from Legal Department dated 07 June 2006." Petitioner argues that the holding of abandonment was inappropriate. Review of the Decision on Petition mailed on 07 June 2006 reveals that its two-month period for response was explicitly extendable pursuant to 37 CFR 1.136(a). As such, the Notification of Abandonment was issued prematurely, and it is hereby **VACATED**.

Renewed Petition Under 37 CFR 1.47(a)

The Decision on Petition mailed on 07 June 2006 dismissed the petition under 37 CFR 1.47(a) filed on 20 January 2006, without prejudice. In response, petitioner now indicates that "after renewed efforts, co-inventor Jonathan Britton has been located. Mr. Britton has now executed a combined Declaration and Power of Attorney for the instant Application. Said Declaration is submitted concurrently with this Response." In view of the declaration executed by Mr. Britton, the petition under 37 CFR 1.47(a) is MOOT.

The declaration filed on 07 September 2006 satisfies the requirements of 37 CFR 1.497(a) and (b). However, the declaration is otherwise defective because it includes an un-initialed alteration to Mr. Britton's city of residence. Therefore, despite the fact that the declaration is acceptable for purposes of 37 CFR 1.497(a) and (b) and 35 U.S.C. 371(c)(4), counsel is required to file a new declaration curing the defect noted above.

Regarding the issue of the spelling of joint inventor Katamreddy's surname, petitioner indicates that the discrepancy arose because the name "was initially misspelled during the international application," and provides a copy of Form PCT/IB/306 showing that the surname was corrected to "KATAMREDDY" pursuant to PCT Rule 92bis. Accordingly, it would now be appropriate to accept the spelling as "Katamreddy."

It is noted that the \$200.00 petition fee was never charged to counsel's Deposit Account, despite the indication in the Decision mailed on 07 June 2006 that it was being charged at that time. Therefore, it is being charged to counsel's Deposit Account No. 07-1392 at this time.

DECISION

The petition to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

Applicant is required to file an acceptable oath or declaration of the inventors within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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